

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Police – Petition of Sri K.Sriramulu, Ex. Head Constable 703 of 3rd Battalion, APSP, for regularization of the period from the date of his dismissal from service i.e. 30.6.1997 to the date of his retirement on superannuation i.e. 30.11.2001, releasing pensionary benefits – Orders – Issued.

HOME (SERVICES – II) DEPARTMENT

G.O.Ms.No. 191

Dated 28.03.2009.

Read the following:

1. From the Director General of Police, Andhra Pradesh, Hyderabad, Lr.Rc.No.99/Appeal-4/2005, dated 19.7.2005.
2. Govt. Memo No.24435/Ser.II/A2/2005-1, Home, dated 23.01.2006.
3. From the Director General of Police, Andhra Pradesh, Hyderabad, Lr.Rc.No.99/Appeal-4/2005, dated 01.02.2006.
4. Govt. Memo No.24435/Ser.II/A2/2005-3, Home, dated 01.06.2006.
5. From Sri K.Sriramulu, Ex.HC.703 of 3rd Battalion, A.P.S.P., petitions dated Nil.
6. From the Director General of Police, Andhra Pradesh, Hyderabad, Letter Rc.No.99/Appeal-4/2005, dated 07.02.2007.
7. Govt. Memo No.24435/Ser.II/A2/2005, Home, dated 26.05.2007.
8. From the Director General of Police, Andhra Pradesh, Hyderabad, Lr.Rc.No.99/Appeal-4/2005, dated 23.07.2007.
9. Govt. Memo No.24435/Ser.II/A2/2005, Home, dated 30.11.2007.
10. From the Director General of Police, Andhra Pradesh, Hyderabad, Lr.Rc.No.99/Appeal-4/2005, dated 07.02.2009.
11. Concurrence from C.E.O. & Principal Secretary to Government, General Administration (Elections) Department, dated 18.03.2009.

ORDER:

Sri K.Sriramulu, Ex. Head Constable 703 of 3rd Battalion, APSP, in his petition dated 22.1.2004 addressed to the Commandant, 3rd Battalion, APSP, has requested to regularize the period of his absence from 30.6.1997 i.e., date of dismissal from service to the date of his retirement, releasing pensionary benefits.

2. In the reference 1st read above, the Director General of Police, Andhra Pradesh, Hyderabad, has stated that Sri K.Sriramulu, Head Constable 703 of 3rd Battalion, APSP, Kakinada, was placed under suspension with effect from 22.9.94 for his involvement in a case in Cr.No.48/95, u/s420 and 409 IPC of II Town L&O Police Station, Visakhapatnam City, and an oral enquiry was ordered against him and the final action could not be taken on the partially proved minutes for want of disposal of the case. Further, the above individual involved in another case Cr.No.197/94, u/s 420 IPC on 24.11.94 by the Vizianagaram I Town Police Station. Consequent on his conviction in this case, he was dismissed from service with effect from 30.6.1997, vide Proceedings.No.1921/D4/94, dated 01.11.97, of the Commandant, 3rd Battalion, APSP, Kakinada. On appeal, the said Ex. Head Constable was acquitted in both the criminal cases vide judgement dated 17.11.1999 of the Additional Sessions Judge, Vizianagaram, vide Crl. Appeal No.51/97 in C.C.No.569/94 and judgement dated 27.11.99 of V Metropolitan Magistrate, Visakhapatnam in C.C.No.155/95. The Ex. Head Constable 703 Sri K.Sriramulu submitted a representation on 22.1.2004 stating that he may be paid pensionary benefits consequent on his acquittal in both the cases on appeal, as he attained the age of superannuation on 30.11.2001.

Contd.....2

3. The Director General of Police, Andhra Pradesh, Hyderabad, while furnishing the connected records to Government, has requested to take further action in the matter, as the Government is competent authority to take action as per rule 9 2 (b) of A.P.Revised Pension Rules, 1980 since the petitioner attained the age of superannuation on 30.11.2001.

4. In the reference 8th read above, the Director General of Police, Andhra Pradesh, Hyderabad, has stated that the charges framed in the Oral Enquiry and criminal case are identical. Though, the Ex. Head Constable was acquitted in both the criminal cases by the V Metropolitan Magistrate, Visakhapatnam, vide CC No.155/95, dated 27.11.1999, and by the Additional Sessions Judge, Vizianagaram, vide Criminal Appeal No.51/97, dated 17.11.1999, no further action had been taken by the disciplinary authority on the partly proved Minutes and the Ex. Head Constable attained the age of superannuation with effect from 30.11.2001 A.N.

5. Government, after careful examination of the entire matter, hereby set aside the orders issued in proceedings No.1921/D4/94, dated 1.11.97 by the Commandant, 3rd Battalion, APSP, Kakinada, dismissing Sri K.Sriramulu, Ex. Head Constable 703 of 3rd Battalion, APSP, from service and also hereby exonerate him from the charges framed in Oral Enquiry, duly treating the period from the date of dismissal from service i.e. 30.6.1997 to the date of his retirement on superannuation i.e. 30.11.2001 as 'On Duty', to get the pensionary benefits, as he was acquitted in both the criminal cases.

6. The records received in reference 10th read above are herewith returned to the Director General of Police, Andhra Pradesh, Hyderabad, and he is requested to take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJOYENDRA PYAL
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, Andhra Pradesh, Hyderabad (with records)
Copy to
The Individual, (through the Director General of Police, A.P., Hyderabad).
The P.S. to Principal Secretary to Government, Home Department.
SC/SF.

// FORWARDED : : BY ORDER //

SECTION OFFICER